

BEFORE THE IDAHO BOARD OF TAX APPEALS

IN THE MATTER OF THE APPEAL OF EDITH M.) APPEAL NOS. 07-A-2537
AND PATRICK R. BROOKS from the decision of the) FINAL DECISION
Board of Equalization of Kootenai County for tax) AND ORDER
year 2007.)

RESIDENTIAL PROPERTY APPEAL

THIS MATTER came on for hearing November 29, 2007, in Coeur d'Alene, Idaho before Board Member Linda S. Pike. Board Members Lyle R. Cobbs and David E. Kinghorn participated in this decision. Appellant/Owner Edith Brooks appeared. Chief Deputy Assessor Rick Houser, Residential Appraisal Manager Darin Krier and Appraiser Erick Hart appeared for Respondent Kootenai County. This appeal is taken from the decision of the Kootenai County Board of Equalization (BOE) denying the protest of the valuation for taxing purposes of property described as Parcel No. CO6200010090.

The issue on appeal is the market value of residential property.

The decision of the Kootenai County Board of Equalization is affirmed.

FINDINGS OF FACT

The assessed land value is \$135,000, and the improvements' valuation is \$162,159, totaling \$297,159. Appellant requests the land value be reduced to \$88,000, and the improvements' value be reduced to \$187,000, totaling \$275,000.

The subject property is a single family residence located within the City limits of Coeur d'Alene. The subject residence is a 3 bedroom, 2 bath ranch style home with 1,720 square feet and an attached two car garage. The residence is located on a .27 acre lot.

Appellants maintained subject should be assessed for about \$269,000. Appellant offered four sales which were compared to subject and a comparable market analysis of the subject. The analysis included three sales which took place in 2006 and one 2007 sale. The sale prices

ranged from \$275,000 to \$344,400. The subject and sales were all built between 1993 and 1995. The square footages ranged from 1,720 for the subject to 3,231 for the sales. Adjustments were made to the sale properties to make them comparable to subject. Adjustments were made for central vacuum systems, bonus rooms, pools, sport courts, formal dining rooms, remodeling, second stories, central air conditioning, hardwood and stone flooring and RV parking. The adjusted sale prices ranged from \$221,000 to \$318,400. The adjusted price per square foot ranged from \$95.33 to \$174.47. From this analysis Appellant maintained subject assessment should be \$269,000.

Respondent questioned how Appellant arrived at the adjustments made to the sale properties. Appellant maintained the adjustments were based on personal experience and what buyers would pay for certain amenities.

The County Appraiser noted subject was located in an area that was revalued for 2007. Thirteen improved sales were included in the sales analysis. The sales analysis indicated a 9% per year time adjustment was warranted, to bring sale prices current to the January 1 lien date. Four of the sales took place in subject subdivision.

The Appraiser offered three specific sales and compared them to subject. All of the sales were like subject, ranch style over a crawl space. Square footages of the sales were close to that of the subject. The improved property sales when compared to subject indicated a value per square foot for subject which ranged from \$77.97 to \$109.19. Subject was assessed for \$88.26 per square foot.

Respondent maintained the assessed value was fair and equitable.

CONCLUSIONS OF LAW

This Board's goal in its hearings is the acquisition of sufficient, accurate evidence to

support a determination of fair market value. This Board, giving full opportunity for all arguments and having considered all testimony and documentary evidence submitted by the parties in support of their respective positions, hereby enters the following.

Both parties did an excellent job of preparing and presenting their value case.

Idaho is a market value state for property tax purposes.

Idaho Code § 63-201. Definitions --

(10) "Market value" means the amount of United States dollars or equivalent for which, in all probability, a property would exchange hands between a willing seller, under no compulsion to sell, and an informed, capable buyer, with a reasonable time allowed to consummate the sale, substantiated by a reasonable down or full cash payment.

Sales were submitted by both parties. Appellant made adjustments to the sales for differences from the subject. The adjustments were based on what buyers pay for specific amenities, or the lack of amenities, in Appellant's experience.

Respondent analyzed 13 sales to develop a time adjustment to bring sales current to the statutory lien date, January 1, 2007. The per square foot price of three sale properties was then compared to the subject assessment per square foot. The sales indicated subject assessed value per square foot was on the low end of the value range.

"A presumption of constitutionality attaches to state taxing decisions; the opposing party shoulders the burden of overcoming such presumption." Justus v. Board of Equalization, 101 Idaho 743, 747, 620 P.2d 777, 781 (1980).

In this case, the burden of proof is on the Appellant to support the reduction claim. Although sales were submitted along with a value claim, we are not convinced a reduction in the assessment of subject is warranted.

Therefore, the decision of the Kootenai County Board of equalization is affirmed.

FINAL ORDER

In accordance with the foregoing Final Decision, IT IS ORDERED that the decision of the Kootenai County Board of Equalization concerning the subject parcels be, and the same hereby is, affirmed.

MAILED APRIL 30, 2008